

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Mattie Mae Faulkner,  
Debtor

MATTIE MAE FAULKNER,  
Plaintiff

v.

M &T BANK,  
Defendant

CHAPTER 13

Bankruptcy No. 17-10660-ELF

Adversary No. 17-00276-elf

**STIPULATION TO EXTEND TIME FOR PLAINTIFF TO FILE RESPONSE  
TO DEFENDANT'S MOTION TO DISMISS AMENDED COMPLAINT**

AND NOW, it is hereby stipulated and agreed by and between the undersigned as follows:

1. On January 19, 2018 Defendant M&T Bank filed a motion to dismiss Plaintiff's Amended Complaint in the above captioned adversary action.
2. Plaintiff's response to the motion is due by Friday February 2, 2018.
3. The parties have agreed to extend the time for Plaintiff to file a her response to Defendant's motion to **February 16, 2018**.
4. Since receiving Defendant's motion, Plaintiff's attorney has had existing prior deadlines in other matters that have made it impossible to work on Plaintiff's response to Defendant's motion, despite working every day, including weekends, an average of in excess of 10 hours a day.
5. In addition, last Friday January 26, 2018, Plaintiff's attorney learned that an order from the Philadelphia Orphan's Court had been entered against a disabled client of his, who can't walk, is barely comprehensible when he speaks and has trouble breathing without the aid of oxygen, compelling him to vacate his home of twenty years on February 2, 2018 on pain of contempt, so the property can be sold by the estate of his late wife.
6. This unexpected event has added an additional urgent matter petitioner's attorney must attend to before February 2, 2018.

7. Defendant's motion raises a multiplicity of issues that will require considerable time to respond to.

8. For these reasons the parties, but their respective attorneys pray this court to approve the forgoing stipulation and to extend the deadline for Plaintiff to respond to Defendant's motion to **February 16, 2018.**

Date: January 31, 2018

By: Thomas I. Puleo, Esquire  
Thomas I. Puleo, Esquire  
Attorney for Defendant, M & T Bank

Date: January 31, 2018

/s/ Irwin Trauss  
Irwin Trauss, Esquire  
Attorney for Plaintiff/Debtor, Mattie Mae Faulkner

## **ORDER**

Approved by the Court this 2nd day of February, 2018.

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No further extensions shall be granted.



**ERIC L. FRANK**  
**CHIEF U.S. BANKRUPTCY JUDGE**

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I write further to point out that the Defendant failed to comply with L.B.R. 7005-1(a) by failing to send a Notice of Motion and that the response period is 21 days, not 14 days, as the parties appear to have assumed. See L.B.R. 7005-1(b)(2). Thus, this Order grants the Plaintiff a one (1) week extension of time. No further extensions are appropriate because the Motion to Dismiss the Amended Complaint is substantially similar to Motion to Dismiss the original Complaint. The Plaintiff has been on notice of the main thrust of the Defendant's arguments since November 14, 2017. Three (3) months is a sufficient time period to respond to a Rule 12(b)(6) motion, even considering that counsel was out of the office for a few weeks on family matters.